

FORM PTO-1390  
(REV 5-93)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTORNEY'S DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES  
DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING  
A FILING UNDER 35 U.S.C. 371**

1574/49849

U.S. APPLICATION NO. (if known, see 37 CFR 1.5)

**09/830160**

INTERNATIONAL APPLICATION NO.  
PCT/FI99/00870

INTERNATIONAL FILING DATE  
October 20, 1999

PRIORITY DATE CLAIMED  
October 23, 1998

TITLE OF INVENTION

GENE CLUSTER INVOLVED IN NOGALAMYCIN BIOSYNTHESIS, AND ITS USE IN PRODUCTION OF HYBRID ANTIBIOTICS

APPLICANT(S) FOR DO/EO/US

Kristiina YLIHONKO, Sirke TORKKELL, Kaisa PALMU and Juha HAKALA

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:


1. ☒ This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. ☐ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371
3. ☒ This express request to begin national examination procedures (35 U.S.C. 371(f) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. ☒ A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. ☒ A copy of the International Application as filed (35 U.S.C. 371(c)(2)).
  - a. ☐ is transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☒ has been transmitted by the International Bureau
  - c. ☐ is not required, as the application was filed in the United States Receiving Office (RO/US)
6. ☐ A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - a. ☐ are transmitted herewith (required only if not transmitted by the International Bureau).
  - b. ☐ have been transmitted by the International Bureau.
  - c. ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - d. ☐ have not been made and will not be made.
8. ☐ A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
9. ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
10. ☐ A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

**Item 11. to 16. below concern other document(s) or information included:**

11. ☒ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
12. ☒ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
13. ☒ A FIRST preliminary amendment.  
☐ A SECOND or SUBSEQUENT preliminary amendment.
14. ☐ A substitute specification.
15. ☐ A change of power of attorney and/or address letter.
16. ☒ Other items or information:

Statement Under 37 CFR §1.821(f) with written sequence listing and computer readable form (disk)  
Statement of Revocation of Restrictions/Conditions of Deposited Biological Material  
Form PCT/IB/308

09/830160

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>09/830160</b>		INTERNATIONAL APPLICATION NO. PCT/FI99/00870		ATTORNEY'S DOCKET NUMBER 1574/49849	
17. <input checked="" type="checkbox"/> The following fees are submitted: Basic National Fee (37 CFR 1.492(a)(1)-(5)):  Search Report has been prepared by the EPO or JPO ..... \$860.00 International preliminary examination fee paid to USPTO (37 CFR 1.482) ..... \$690.00 No international preliminary examination fee paid to USPTO (37 CFR 1.482)  but international search fee paid to USPTO (37 CFR 1.445(a)(2)) ..... \$710.00 Neither international preliminary examination fee (37 CFR 1.482) nor  international search fee (37CFR 1.445(a)(2) paid to USPTO ..... \$ 1000.00 International preliminary examination fee paid to USPTO (37 CFR 1.482)  and all claims satisfied provisions of PCT Article 33(2)-(4) ..... \$100.00  <b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>				CALCULATIONS	PTO USE ONLY
Surcharge of \$130.00 for furnishing the oath or declaration later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
Claims	Number Filed	Number Extra	Rate		
Total Claims	26- 20 =	6	X \$18.00	\$ 108.00	
Independent Claims	3 - 3 =	0	X \$80.00	\$	
Multiple dependent claims(s) (if applicable)				+ \$270.00	\$
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$ 968.00	
Applicant claims Small Entity Status (See 37 CFR §1.27) <input checked="" type="checkbox"/> yes <input type="checkbox"/> no.				\$ 484.00	
Reduction by 1/2 for filing by small entity, if applicable.					
<b>SUBTOTAL =</b>				\$ 484.00	
Processing fee of \$130.00 for furnishing the English translation later than <input type="checkbox"/> 20 <input type="checkbox"/> 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28,3.31). \$40.00 per property +				\$ 40.00	
<b>TOTAL FEE ENCLOSED =</b>				\$ 524.00	
				Amount to be:	\$
				refunded	
				charged	\$
a. <input checked="" type="checkbox"/> Two checks in the amount of \$ <u>484.00</u> for the filing fee and \$ <u>40.00</u> for the assignment recording fee are enclosed b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees, which may be required, or credit any overpayment to Deposit Account No. <u>05-1323</u> . A duplicate copy of this sheet is enclosed. NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: Evenson, McKeown, Edwards & Lenahan, P.L.L.C. 1200 G Street, N.W., Suite 700 Washington, D.C. 20005 Tel. No. (202) 628-8800 Fax No. (202) 628-8844				 SIGNATURE Donald D. Evenson NAME 26,160 REGISTRATION NUMBER April 23, 2001 DATE	

TCE240 09TCE860

Attorney Docket: 1574/49849  
PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: KRISTIINA YULIHONKO ET AL.

Serial No.: NOT YET ASSIGNED

Filed: APRIL 23, 2001

PCT APPLICATION: PCT/FI99/00870, FILED October 20, 1999

Title: GENE CLUSTER INVOLVED IN NOGALAMYCIN BIOSYNTHESIS,  
AND ITS USE IN PRODUCTION OF HYBRID ANTIBIOTICS

**STATEMENT OF REVOCATION OF RESTRICTIONS/CONDITIONS OF  
DEPOSITED BIOLOGICAL MATERIAL**

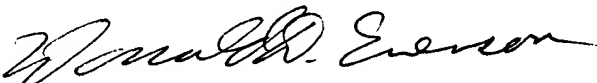
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

I hereby state that the microorganisms deposited with Deutsche Sammlung von Mikroorganismen und Zellkulturen GmbH on October 14, 1998 under deposit accession nos: DSM 12451 and 12452 have been deposited under the Budapest Treaty and the microorganisms will be irrevocably and without restriction or condition released to the public upon issuance of a patent.

Respectfully submitted,

April 23, 2001

  
Donald D. Evenson  
Registration No. 26,160

DDE:OAT

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